

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

JOSEPH OLLIE,	)	CASE NO. 4:17 CV 1304
	)	
Petitioner,	)	JUDGE JAMES S. GWIN
	)	
v.	)	
	)	
WARDEN MERLAK,	)	ORDER
	)	
Respondent.	)	

This 28 U.S.C. § 2241 habeas action, filed by Petitioner Joseph Ollie, was dismissed on August 23, 2017. Now before the Court is Petitioner's Motion for Certificate of Appealability. (ECF #6).

The requirement for a certificate of appealability applies to (A) final orders in habeas cases where detention arose “out of process issued by State court” and (B) final orders under § 2255. 28 U.S.C. § 2253(c)(1). Because neither category applies here, *Witham v. U.S.*, 355 F.3d 501, 504 (6<sup>th</sup> Cir. 2004), the Motion is denied.

IT IS SO ORDERED.

Dated: September 21, 2017

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE